

## REMARKS/DISCUSSION:

This Response C is being filed within the shortened statutory period for response that ends on October 29, 2009. Accordingly, no Extension of Time is required.

By this Response C, claims 61-64 remain pending in this application.

Amendment and/or cancellation of claims are not to be construed as a dedication to the public of any of the subject matter of the claims previously presented.

Further, any amendments or arguments are made without conceding the correctness of any of the rejections of the pending Office Action, and Applicant(s) reserves the right to prosecute the subject matter of such claims in continuation and/or divisional applications.

Applicant has carefully studied the outstanding Office Action. This Amendment is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

### Rejection under 35 U.S.C. § 103

Claims 61-62 stand rejected as being unpatentable over Beuchat et al. (US 5,499,969) in view of U.S. Patent No. 6,013,048 to Podany and Holland, Jr. (US 6,03,886).

Claim 61 has been amended to include the step operating the handpiece at a power level proportional to the monitored pressure. This step is neither disclosed nor suggested in either of the cited references.

Claim 63 stands rejected as applied to claim 61 and further in view of Culp et al. (US 6,090,123). Claim 63 depends from claim 61, and for the reasons set forth above, claim 63 is patentable over the cited art.

Claim 64 stands rejected as applied to claim 61 and further in view of Kusunoki et al. (US 5,529,580). Claim 64 depends from claim 61, and for the reasons set forth above, claim 64 is patentable over the cited art.

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### **Conclusion**

Applicants submit that in view of the discussion, the rejection under 35 U.S.C. § 103 have been overcome and that the invention is now patentable over the cited prior. The Examiner is respectfully requested to reconsider all rejections and pass this case to issue.

Should any minor points remain prior to issuance of a Notice of Allowance, the Examiner is requested to telephone the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, which may be required to Account No. 10-0750/END0745USDIV2/VEK.

Respectfully submitted,

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